

DUANE MORRIS LLP

By: Alexander D. Bono (admitted *pro hac vice*)

Lynne E. Evans (Bar No. 901422012)

Kelly Huff (Bar No. 132012014)

30 South 17th Street

Philadelphia, PA 19103

Tel: (215) 979-1000

Fax: (215) 979-1020

Attorneys for Defendants TD Bank, N.A.

and The Toronto-Dominion Bank

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ARTHUR-ALEXANDER GODOY,

Plaintiff,

v.

TD BANK, N.A., THE TORONTO-
DOMINION BANK, and DOES 1-10,

Defendants.

:
: **Civil Action No. 1:17-cv-13149**
:
:
: RETURN DATE: NOV. 5, 2018
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: ORAL ARGUMENT REQUESTED
:
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**TD BANK, N.A.'S AND THE TORONTO-DOMINION BANK'S
MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), (b)(2), (b)(3), (b)(5) and (b)(6), Defendants TD Bank, N.A. ("***TD Bank***") or The Toronto-Dominion Bank ("***T-D***") move for an order dismissing Plaintiff Arthur-Alexander Godoy's Amended Complaint. There are six reasons why the Motion to Dismiss Godoy's Amended Complaint should be granted and the Amended Complaint should be ***dismissed with prejudice***:

First, TD Bank and T-D still have not been properly served, Rule 12(b)(5);

Second, for lack of personal jurisdiction as to T-D, Rule 12(b)(2);

Third, for lack of subject matter jurisdiction, Rule 12(b)(1);

Fourth, for improper venue, Rule 12(b)(3);

Fifth, for *forum non conveniens*; and

Sixth, for failure to state a claim, Rule 12(b)(6).

Respectfully submitted,

Dated: October 1, 2018

/s/ Kelly Huff

Alexander D. Bono (admitted *pro hac vice*)

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ADBono@duanemorris.com

LEEvans@duanemorris.com

KKHuff@duanemorris.com

*Attorneys for Defendants TD Bank, N.A.
and The Toronto-Dominion Bank*